

REMARKS

In the July 12, 2004 Office Action, the Examiner noted that claims 1-16 were pending in the application; objected to claims 15 and 16 under 37 CFR § 1.75(c); rejected claims 1-16 under the second paragraph of 35 USC § 112; rejected claims 1, 2, 4, 6 and 8-13 under 35 USC § 102(b); and rejected claims 3, 5, 7 and 14-16 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,482,178 to Giovannoli (Reference G) and 6,078,897 to Rubin et al. (Reference H) were cited. Claims 4, 5 and 9 have been canceled and thus, claims 1-3, 6-8 and 10-16 remain in the case. The Examiner's rejections are traversed below.

The Prior Art**U.S. Patent 5,842,178 to Giovannoli**

The Giovannoli patent is directed to a computer based communications network for processing requests for quotation of goods or services by broadcasting such requests over the network without maintaining a central database of goods, prices, etc. (see column 2, lines 39-45). The computerized network receives requests for quotation from purchasers and transmits the requests to prospective sellers based on filter conditions set by the buyer or seller or network operator (column 2, lines 46-51). The response(es) from seller(s) is/are communicated to the prospective buyer via the communication network or some other means. Vendors may contact a "Central Office" in the computerized network to use "suitable vendor software" to provide information about the products, including special sales (column 4, lines 39-48). The special sales could be limited to employees of the vendor, "or not for profit organizations" (column 6, line 64 to column 7, line 2), or by the amount of goods, or only requests directed to that vendor (column 7, lines 20-24).

U.S. Patent 6,078,897 to Rubin et al.

The Rubin et al. patent is directed to a method for optimizing orders for goods or services to increase a discount, including an embodiment in which prior orders may be used to calculate the discount (column 7, lines 17-21).

Objection under 37 CFR § 1.75(c)

In the first three paragraphs on page 2 of the Office Action, the Examiner objected to claims 15 and 16 under 37 CFR § 1.75(c) for failing to further limit the subject matter of a previous claim. Applicants respectfully disagree that the method of calculating the discount

amount recited in claim 15 is inherent in claim 14 which only recites when a discount is calculated, not how to calculate it. The language used in claim 14 is broad enough to include, e.g., a situation where the discount is a fixed percentage of the sale price and is not "calculated based on the total or average trade amount of the purchaser for the past specific period" (claim 15, lines 2-3).

Furthermore, claim 14 has been amended to clarify that the electronic purchase system is used by a plurality of sellers and that the total or average trade amount used to determine whether to discount the price relates to prior trades between the purchaser and "at least one of the sellers" (claim 14, next to the last line). As a result, claim 16 further limits claim 14 by specifying that the total or average trade amount is between the seller and purchaser involved in the current trade.

As a result of the clarifications and amendments discussed above, it is submitted that claims 15 and 16 further limit claim 14. If the Examiner disagrees, the Examiner is respectfully requested to contact the undersigned by telephone, prior to issuing another Office Action, to discuss what further amendments would be required to overcome the objection.

Rejections under 35 USC § 112, Second Paragraph

From the bottom of page 2 to the top of page 3, claims 1-16 were rejected under the second paragraph of 35 USC § 112. The first reason given for this rejection was use of the phrase "providing a place" in the independent claims, despite the definition of "place" as "a specific site in the network" (application, page 10, lines 2-3) with additional explanation of "place" in the paragraph spanning pages 10 and 11 of the application. Since the claims were rejected, it is assumed that the Examiner prefers the use of a more commonly used word instead of a word which is clearly defined in the specification. Therefore, the word "place" has been replaced with --site-- in all of the pending independent claims.

With respect to claims 2, 6, 10 and 13, the Examiner indicated a lack of understanding of the meaning of the word "set". Both the *Dictionary of Computers, Information Processing, and Telecommunications*, Second Edition (1987) by Jerry M. Rosenberg and the *IBM Dictionary of Computing*, Tenth Edition (1993) by George McDaniel (see, Exhibits A and B submitted herewith) include a definition for "set" of "[t]o put all or part of a data processing device into a specified state." Given this common definition in the art, it is submitted that one of ordinary skill in the art would not be confused by the use of the word "set" in the claims. If the Examiner insists on the use of a different word, the Examiner is respectfully requested to contact the undersigned by telephone prior to issuing another Office Action.

Finally, the extraneous "for" in claim 12 has been deleted. Therefore, it is submitted that claims 1-16 meet the requirements of 35 USC § 112, second paragraph and withdrawal of the rejection is respectfully requested.

Rejections under 35 USC § 102

On pages 3-5 of the Office Action, claims 1, 2, 4, 6 and 8-13 were rejected under 35 USC § 102(b) as anticipated by Giovannoli. Claim 1 has been amended to recite that the purchaser registration unit registers "a permission flag indicating for each of the purchasers, whether the seller permits a trade therewith" (claim 1, lines 4-5) and that the publication unit makes the sales-related information available "only if the permission flag corresponding to each information receiving purchaser indicates that the seller permits the trade therewith" (claim 1, lines 7-8). In addition, a management unit has been added to claim 1 reciting that the permission flag is updated "to reject trades with each restricted purchaser when the trade amount corresponding thereto for a past period meets at least one criterion" (claim 1, last two lines), as illustrated in Fig. 21 and described at page 37, lines 15-19. Similar amendments have been made to claims 6, 8, 10, 11 and 13. Since claim 2 depends from claim 1, it is submitted that claims 1, 2, 6, 8, 10, 11 and 13 patentably distinguish over Giovannoli.

Rejections under 35 USC § 103

On pages 6 and 7 of the Office Action, claims 3, 5 and 7 were rejected under 35 USC § 103(a) as unpatentable over Giovannoli. Claim 5 has been cancelled and claims 3 and 7 depend from claims 1 and 6, respectively. Therefore, it is submitted that claims 3 and 7 patentably distinguish over Giovannoli for the reasons discussed above with respect to claims 1 and 6.

On page 7 of the Office Action, claims 14-16 were rejected under 35 USC § 103(a) as unpatentable over Giovannoli in view of Rubin et al. It is submitted that Rubin et al. does not teach nor suggest modifying Giovannoli to overcome the deficiencies discussed above. Since claims 14-16 depend from claim 1, it is submitted that claims 14-16 patentably distinguish over the combination of Giovannoli and Rubin et al. for the reasons discussed above with respect to claim 1.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-3, 6-8 and 10-16 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on OCTOBER 12, 20 04
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